

# Notice of Allowability

Application No.

10/700,318

Examiner

Sanza L. McClendon

Applicant(s)

CRIVELLO, JAMES V.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/6/06.
2. ☒ The allowed claim(s) is/are 1-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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**DETAILED ACTION**

***Response to Amendment***

1. In response to the Amendment received on December 06, 2006, the examiner has carefully considered the amendments.

***Response to Arguments***

2. Applicant's arguments, see Remarks/Arguments, filed December 6, 2006, with respect to claims 1-26 have been fully considered and are persuasive. The rejection of claims 1-10, 20-22 and 26 under 35 USC 102 (b) as being anticipated by or, in the alternative, under 35 USC 103(a) as being obvious over Urban et al (4,717,605) has been withdrawn. Relying on applicant's argument and taking the cited (in the remarks) case law (All Dental Prodx LLC v. Advantage Dental Products Inc., 64 USPQ2d 1945 and In re Wertheim, et al) into consideration, the examiner deems the instantly claimed invention is distinguished over the prior art made of record. Urban et al requires an ethylenically unsaturated compound. And it is clear from reading applicant's disclosure (specification and claims), as well as, taking into consideration applicant's arguments, that an ethylenically unsaturated compound is/was not intended as a component in the composition of the instantly claimed process. And excluding the ethylenically unsaturated compound from Urban et al would destroy the reference since it is a required component. Therefore the instantly claimed invention is distinguished.

***Allowable Subject Matter***

3. Claims 1-26 are allowed.

4. The following is an examiner's statement of reasons for allowance: The prior art, alone or in combination, fails to expressly disclose and/or fairly suggest a process for preparing a prepolymer mixture comprising mixing instantly claimed components (i) and (ii) having the defined viscosity and containing no ethylenically substituted monomer that can polymerize by free radical and exposing said to actinic radiation while maintaining the temperature such that spontaneous polymerization is not induced and an activated prepolymer mixture is produced while having a viscosity that is functionally unchanged from the pre-irradiation viscosity. Nor does the prior art teach, alone or in combination, the process above plus manipulating said activated pre-polymer mixture and applying heat at a second temperature to said mixture and start polymerization. Nor does the prior art teach a process of bonding using said claimed pre-irradiated mixture or a kit

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comprising said pre-irradiation mixture with instructions for activating and curing said mixture.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L. McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 3/2/07

Sanza L. McClendon

Examiner

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